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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,486	10/07/2003	Sami Picnimaki	00002-5100	4042

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EXAMINER	
GEE, JASON KAI YIN	
ART UNIT	PAPER NUMBER
2434	

MAIL DATE	DELIVERY MODE
08/09/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/679,486	PIENIMAKI ET AL.	
	Examiner	Art Unit	
	JASON GEE	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/09/2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is response to communication: arguments filed 06/09/2011.

2. Claims 1, 2, and 5-12 are current pending in this application.

3. No new IDS was received for this application.

Response to Arguments

4. Applicant's arguments filed 06/09/2011 have been fully considered but they are not persuasive.

In regards to the independent claims, the applicants argue that the references do not teach switching any traffic provided over internet access to the user terminal in the public wireless local area network to an encrypting security service port. However, this is clearly taught throughout Wu. As seen in Wu throughout the reference, such as in paragraphs 12 30, 31, and 39-40, user terminals are connected over an internet (paragraph 23) to an access point (figure 2), and use handoff keys and session keys to connect to another access point (see paragraph 31 and 39-40). When this happens, and a user terminal switches to a different access point, this is an example of switching any traffic provided over internet access to an encrypting security service port.

In addition, the applicants argue the Takeda reference. These arguments are moot in view of new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 5-7, 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. US Patent Application Publication 2004/0203783 (hereinafter Wu), in view of Zhang et al. US Patent Application Publication 2002/0174335 (hereinafter Zhang), and further in view of Twomey et al. US Patent Application Publication 2003/0131228 (hereinafter Twomey).

As per claim 1, Wu teaches a method, comprising: providing access to a public wireless local area network for a user terminal ((Figure 2, paragraph 3, 23; also see paragraph 25, 26; user terminal are terminals); causing an authentication, authorization, and accounting procedure to be performed for the user terminal (Figure 2, paragraphs 25-27); upon authentication of the user terminal, providing an internet access gateway functionality to the user terminal (paragraphs 29, 31, 35, with generating keys for terminals to use to connect to access points; see paragraph 3, access point is a gateway to comunciate b/w WLAN and larger network); and enforcing an application to switch any traffic provided over internet access to the user terminal in the public wireless local area network to an encrypting security service port (paragraphs 12, 30, 31, 39-40, and throughout the reference, where handoff keys are used and users are transferred to different access points).

However, it is unclear whether the enforcing is performed by an access control point of the public wireless local area network. This would have been obvious though, as taught throughout Zhang, such as in paragraphs 58, 59, 64, 95-95, and paragraphs 102-104 (these paragraphs teach an access point performs all these duties; the access point has a controller performing these functions, as indicated in paragraph 58, wherein the controller acts as the controller for communications between a mobile terminal and an AAA server; also as seen in paragraphs 102-104, a handoff is performed between two access points. This is an encrypted security port, as the access points may require security, such as IPSEC, as taught in paragraphs 67-69; also, as seen in Figure 1, the access point provides internet access gateway functionality as it provides access to the gateway, and provides access to the public wireless lan such as seen in paragraph 102).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine Wu with Zhang to teach initiating and controlling the security of communications with an access point controller. One of ordinary skill in the art would have been motivated to perform such an addition to create more security and allows for more flexibilty over different networks (Zhang paragraphs 59-62).

However, at the time of the invention, Wu as modified does not explicitly teach wherein traffic is switched to an encrypting security service port upon determining that the access to the public wireless local area network is not encrypted. This would have been obvious though, as taught throughout Twomey, such as in the abstract, Figure 3, paragraph 30, and throughout the reference (wherein encrypted and unencrypted

communications is determined, and is routed to different port/location depending on encrypted/unencrypted status).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine Twomey with the Wu combination. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include switching traffic to an encrypting port when the communication is initially unencrypted. One of ordinary skill in the art would have been motivated to perform such an addition to create a more adaptable system, such that both unencrypted and encrypted information may be processed and handled accordingly (Paragraph 6 of Twomey)

As per claim 5, Wu teaches retrieving information by the access control point from RADIUS messages whether a user terminal does not use a 802.11 encryption, and performing the enforcing to the application if it is accessed by such a user terminal (paragraphs 28, 43, 42.12, 30, and 31).

As per claim 6, it would have been obvious over Wu to teach wherein the application can be one of a group comprising the hypertext transfer protocol for browsing the Internet, the Internet message access protocol 4, the post office protocol 3, and the simple mail transfer protocol. Paragraphs 23 and 24 of Wu teach that the application may be one to communicate via the Internet. Using the hypertext transfer protocol for browsing the Internet is well known in the art, as it is the typical standard in browsing the Internet and is universally used.

Claim 7 is rejected using the same basis of arguments used to reject claim 1 above. As taught in Zhang, the means for controlling, means for initiating, means for providing internet access, and means for initiating is performed by the access point, which contains a router based controller (paragraphs 58 and 59).

Claim 9 is rejected using the same basis of arguments used to reject claim 5 above.

Claim 10 is rejected using the same basis of arguments used to reject claim 1 and 7 above. As seen, the router based controller in the access point acts as the controller to perform the necessary functions.

Claim 12 is rejected using the same basis of arguments used to reject claim 5 above.

7. Claims 2, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu, Zhang, and Twomey as applied above, and further in view of Lyons et al. US Patent Application Publication 2003/0009691 (hereinafter Lyons).

As per claim 2, Wu as modified does not explicitly teach utilizing the secure sockets layer or the transport layer security. However, this would have been obvious, as taught throughout Lyons, such as in paragraphs 14-15.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the Wu combination with Lyons to teach utilizing ssl or tls. One of ordinary skill in the art would have been motivated to perform such an addition to create

more security and to provide verification and management of systems (Lyons paragraph 6).

Claim 8 is rejected using the same basis of arguments used to reject claim 2 above.

Claim 11 is rejected using the same basis of arguments used to reject claim 2 above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON GEE whose telephone number is (571)272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-38113811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jason Gee/
Patent Examiner
Technology Center 2400
08/08/2011